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In re Application of :
Westberg et al. :
Application No. 10/828,359 :
Filed: April 20, 2004 :
Attorney Docket No. F-5495 DIV (0360- :
0172.01) :

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.10(d), filed January 18, 2006, requesting that the above-identified application be accorded a filing date of April 20, 2004, rather than the presently accorded filing date of April 17, 2004.

Petitioner alleges that the application was deposited in Express Mail service on April 20, 2004. The petition is accompanied by a copy of Express Mail label No. EV318693190US. The Express Mail label contains a "date in" of April 14, 2004. However, the United States Postal Service Track & Confirm information indicates that the USPS accepted a package, bearing Express Mail label No. EV318693190US on April 20, 2004, at 5:25 PM in Brookfield, WI 53045. The same Express Mail label number was placed on the original application papers located in the official file.

In view of the above, the petition is granted.

This Office of Initial Patent Examination is directed to correct the filing date of the above-identified application to April 20, 2004, and mail a corrected filing receipt.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

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